

OGC Has Reviewed

DD/A 76-1752

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File *Legal*

7 April 1976

MEMORANDUM FOR: Acting General Counsel
FROM : John F. Blake
Deputy Director for Administration
SUBJECT : Compensation for Legal Fees
REFERENCE : OGC Memo 76-1400, dated 19 March 1976;
Same Subject

In connection with recent conversations by Mr.
[] with you on the matter of [] legal
fees, I wish to resurrect the issues brought about in
reference. I feel very strongly, on the basis of equity,
that this Agency owes something to []
[] in the sense of pursuing the issue.

Signed: John F. Blake
John F. Blake

Distribution:

Orig - A/General Counsel
X - DD/A Subject w/Ref (DD/A 76-1429)
1 - DD/A Chrono w/o Ref
1 - JFB Chrono w/o Ref

DD/A:JFBBlake:der (7 April 1976)

OGC 76-1400
19 March 1976

MEMORANDUM FOR: Deputy Director for Administration

SUBJECT : Compensation for Legal Fees

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1. This is in response to your memorandum of 20 February asking about Department of Justice payment of legal fees retroactively with respect to [REDACTED]. Although we raised the general issue with DOJ some time ago, they decided the matter only this week. Questions concerning the effective date of [REDACTED] representation of [REDACTED] may have caused them to act. The matter was discussed not only in the Civil Division but in the Office of Legal Counsel and with the Deputy Attorney General. It apparently was the Deputy Attorney General's decision that they would not make any payments for counsel earlier than the date upon which they actually made the decision that retention of counsel was warranted. While they did not formally retain [REDACTED] until 19 November 1975, they had made an exception in his case because we first apprised them of [REDACTED] need for counsel in early October. They formally retained counsel for Osborn on 20 October and, as I understand it, they will pick up his legal fees since that date.

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2. While we felt that this decision would clearly apply in [REDACTED] case, we raised the question with Tom Martin who handles representation matters for the Civil Division. He pointed out that the Deputy Attorney General had simply decided as a matter of policy that the Department could not pay private legal fees incurred prior to a decision by them that such counsel was necessary. As an example, he mentioned that an individual in the White House involved with the famous tape recordings had retained his own counsel in connection with Watergate, but that his request for reimbursement for his legal fees had been turned down. In this individual's case, as in [REDACTED] DOJ probably would have provided representation, had they been asked to do so, because he was not the subject of a criminal investigation. Under the circumstances I am not sure that we can gain anything by going record. If you think otherwise, let me know.

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JOHN S. WARNER
General Counsel